

become effective on the first day of the first calendar month following the date of enactment [May 29, 1976].”

EFFECTIVE DATE OF 1967 AMENDMENT

Amendment by Pub. L. 90-168 effective on first day of first calendar month following Dec. 1, 1967, see section 7 of Pub. L. 90-168, set out as a note under section 138 of Title 10, Armed Forces.

TERMINATION OF AMENDMENTS BY PUBLIC LAWS 99-500 AND 99-591

Section 8(a) of Pub. L. 100-26, as amended by Pub. L. 100-180, div. A, title VI, § 612(b)(2), Dec. 4, 1987, 101 Stat. 1093, provided that: “The amendments made to section 404(d) of title 37, United States Code, by section 614(a) of the Defense Authorization Act [section 614(a) of Pub. L. 99-661] shall be executed as if that portion of section 9073 of the Defense Appropriations Act [section 101(c) [title IX, § 9073] of Pub. L. 99-500 and Pub. L. 99-591, enacting S.2638, § 615, which amended subsec. (d) of this section and enacted a provision set out as a note under this section] which is before the proviso had not been enacted. Such portion of section 9073 which is before the proviso shall not be in effect after the date of the enactment of this Act [Apr. 21, 1987], and the reference to ‘this section’ in such proviso shall be deemed to refer to section 614 of the Defense Authorization Act.”

TRANSMISSION OF CERTIFICATION OF TRAVEL AND TRANSPORTATION ALLOWANCES TO CONGRESS WITH RESPECT TO FISCAL YEAR 1987

Section 615(b) of S. 2638, as passed by the Senate on Aug. 9, 1986, and as enacted into law by section 101(c) [title IX, § 9073] of Pub. L. 99-500 and Pub. L. 99-591, related to transmission to Congress by Secretary of Defense of certification of costs of travel and transportation allowances for fiscal year 1987. See Termination of Amendments by Public Laws 99-500 and 99-591 note above.

INCREASE IN RATE PER MILE FOR MILEAGE ALLOWANCE

Pub. L. 98-473, title I, § 101(h) [title VIII, § 8113], Oct. 12, 1984, 98 Stat. 1904, 1944, provided that: “The Secretaries concerned (as defined in section 101(5) of title 37, United States Code), under uniform regulations prescribed by them and to the extent that funds are available within the permanent change of station travel account, may increase the rate per mile for mileage allowance under section 404(d)(2) of title 37, United States Code, to 15 cents per mile.”

1962 INCREASE IN PER DIEM RATES; REIMBURSEMENT FOR ACTUAL EXPENSES INCIDENT TO TRAVEL

The increase from \$12 to \$16 in the per diem allowance and the provision for reimbursement for actual expenses incident to travel up to \$30 per day provided in the amendment of subsec. (d) of this section by Pub. L. 89-718 had already been put into effect by Pub. L. 87-500, §§ 1, 2, June 27, 1962, 76 Stat. 111, which although not amending subsec. (d) of this section, had raised the per diem allowance and provided for the reimbursement for actual expenses up to \$30 per day through the device of effecting an amendment to section 303(a) of the Career Compensation Act of 1949, act Oct. 12, 1949, ch. 681, title III, 63 Stat. 813. Pub. L. 89-500 was repealed by section 75(3) of Pub. L. 89-718, except with respect to rights and duties that matured, penalties that were incurred, and proceedings that were begun before November 2, 1966.

§ 404a. Travel and transportation allowances: temporary lodging expenses

(a) PAYMENT OR REIMBURSEMENT OF SUBSISTENCE EXPENSES.—(1) Under regulations prescribed by the Secretaries concerned, a member of a uniformed service who is ordered to make a

change of permanent station described in paragraph (2) shall be paid or reimbursed for subsistence expenses of the member and the member's dependents for the period (subject to subsection (c)) for which the member and dependents occupy temporary quarters incident to that change of permanent station.

(2) Paragraph (1) applies to the following:

(A) A permanent change of station from any duty station to a duty station in the United States (other than Hawaii or Alaska).

(B) A permanent change of station from a duty station in the United States (other than Hawaii or Alaska) to a duty station outside the United States or in Hawaii or Alaska.

(C) In the case of a member who is reporting to the member's first permanent duty station, the change from the member's home of record or initial technical school to that first permanent duty station.

(b) PAYMENT IN ADVANCE.—The Secretary concerned may make any payment for subsistence expenses to a member under this section in advance of the member actually incurring the expenses. The amount of an advance payment made to a member shall be computed on the basis of the Secretary's determination of the average number of days that members and their dependents occupy temporary quarters under the circumstances applicable to the member and the member's dependents.

(c) MAXIMUM PAYMENT PERIOD.—(1) In the case of a change of permanent station described in subparagraph (A) or (C) of subsection (a)(2), the period for which subsistence expenses are to be paid or reimbursed under this section may not exceed 10 days.

(2) In the case of a change of permanent station described in subsection (a)(2)(B)—

(A) the period for which such expenses are to be paid or reimbursed under this section may not exceed five days; and

(B) such payment or reimbursement may be provided only for expenses incurred before leaving the United States (other than Hawaii or Alaska).

(3) Whenever the conditions described in clause (i) or (ii) of subparagraph (A) of section 403(b)(7) of this title exist for a military housing area or portion thereof, the Secretary concerned may increase the period for which subsistence expenses are to be paid or reimbursed under this section in the case of a change of permanent station described in subparagraph (A) or (C) of subsection (a)(2) in the same military housing area or portion thereof to a maximum of 60 days.

(d) DAILY SUBSISTENCE RATES.—Regulations prescribed under subsection (a) shall prescribe average daily subsistence rates for purposes of this section for the member and for each dependent. Such rates may not exceed the maximum per diem rates prescribed under section 404(d) of this title for the area where the temporary quarters are located.

(e) MAXIMUM DAILY PAYMENT.—A member may not be paid or reimbursed more than \$290 a day under this section.

(Added Pub. L. 97-60, title I, § 122(a)(1), Oct. 14, 1981, 95 Stat. 1002; amended Pub. L. 99-145, title

VI, §613(a), Nov. 8, 1985, 99 Stat. 640; Pub. L. 102-25, title VII, §702(b)(1), (2), (c), Apr. 6, 1991, 105 Stat. 117; Pub. L. 102-484, div. A, title VI, §621, Oct. 23, 1992, 106 Stat. 2422; Pub. L. 103-160, div. A, title VI, §621(a), (b), Nov. 30, 1993, 107 Stat. 1682; Pub. L. 106-65, div. A, title VI, §632, Oct. 5, 1999, 113 Stat. 661; Pub. L. 106-398, §1 [[div. A], title VI, §641(a), (c)], Oct. 30, 2000, 114 Stat. 1654, 1654A-159, 1654A-161; Pub. L. 107-107, div. A, title VI, §632(a), (b), Dec. 28, 2001, 115 Stat. 1144; Pub. L. 109-163, div. A, title VI, §609(b), Jan. 6, 2006, 119 Stat. 3290; Pub. L. 110-181, div. A, title VI, §603(a), Jan. 28, 2008, 122 Stat. 145; Pub. L. 110-417, [div. A], title VI, §603, Oct. 14, 2008, 122 Stat. 4483.)

AMENDMENTS

2008—Subsec. (c)(3). Pub. L. 110-181 substituted “60 days” for “20 days”.

Subsec. (e). Pub. L. 110-417 substituted “\$290 a day” for “\$180 a day”.

2006—Subsec. (c)(3). Pub. L. 109-163 added par. (3).

2001—Subsec. (a)(2)(C). Pub. L. 107-107, §632(a), substituted “a member who” for “an enlisted member who”.

Subsec. (e). Pub. L. 107-107, §632(b), substituted “\$180” for “\$110”.

2000—Subsec. (a). Pub. L. 106-398, §1 [[div. A], title VI, §641(a)(2)], added subsec. (a) and struck out former subsec. (a) which provided that a member of a uniformed service who was ordered to make certain changes of permanent station was to be paid or reimbursed for subsistence expenses actually incurred by the member and the member's dependents while occupying temporary quarters.

Subsec. (b). Pub. L. 106-398, §1 [[div. A], title VI, §641(a)(2)], added subsec. (b). Former subsec. (b) redesignated (d).

Subsec. (c). Pub. L. 106-398, §1 [[div. A], title VI, §641(a)(2)], added subsec. (c). Former subsec. (c) redesignated (e).

Subsec. (d). Pub. L. 106-398, §1 [[div. A], title VI, §641(a)(1), (c)(1)], redesignated subsec. (b) as (d) and inserted heading.

Subsec. (e). Pub. L. 106-398, §1 [[div. A], title VI, §641(a)(1), (c)(2)], redesignated subsec. (c) as (e) and inserted heading.

1999—Subsec. (a). Pub. L. 106-65 added par. (3) and substituted “paragraph (1) or (3)” for “clause (1)” and “paragraph (2)” for “clause (2)” in concluding provisions.

1993—Subsec. (a). Pub. L. 103-160, §621(a), substituted “10 days” for “four days” in second sentence and “five days” for “two days” in third sentence.

Subsec. (d). Pub. L. 103-160, §621(b), struck out subsec. (d) which read as follows: “In the case of a member who is ordered to make a change of permanent station described in subsection (a)(1) during fiscal years 1993 through 1997, the Secretary concerned may extend the period for which subsistence expenses incurred incident to that change are paid or reimbursed to not more than 10 days if the new duty station is in a geographical area where there is a shortage of safe and affordable housing because of the arrival of members of the armed forces in the area as part of the withdrawal of members of the armed forces from duty stations outside the United States, the closure or realignment of military installations, or the restructuring or deactivation of military units. The existence of such a shortage of safe and affordable housing in an area shall be determined by the Secretary concerned.”

1992—Subsec. (d). Pub. L. 102-484 added subsec. (d).

1991—Subsec. (a). Pub. L. 102-25, §702(b)(2), struck out “of this subsection” after “clause (1)” and “clause (2)”.

Subsec. (b). Pub. L. 102-25, §702(b)(1), struck out “of this section” after “subsection (a)”.

1985—Subsec. (a). Pub. L. 99-145 substituted “shall” for “may” in first sentence, and substituted “are to” for “may” the first place it appears in second and third sentences.

EFFECTIVE DATE OF 2006 AMENDMENT

Amendment by Pub. L. 109-163 applicable with respect to months beginning on or after Sept. 1, 2005, see section 609(c) of Pub. L. 109-163, set out as a note under section 403 of this title.

EFFECTIVE DATE OF 2001 AMENDMENT

Pub. L. 107-107, div. A, title VI, §632(c), Dec. 28, 2001, 115 Stat. 1144, provided that: “The amendments made by this section [amending this section] shall take effect on January 1, 2002, and apply with respect to an order issued on or after that date to a member of the uniformed services to report to the member's first permanent duty station.”

EFFECTIVE DATE OF 1993 AMENDMENT

Section 621(c) of Pub. L. 103-160 provided that: “The amendments made by this section [amending this section] shall take effect on April 1, 1994.”

EFFECTIVE DATE OF 1985 AMENDMENT

Section 613(b) of Pub. L. 99-145 provided that: “The amendments made by subsection (a) [amending this section] shall take effect on October 1, 1985.”

EFFECTIVE DATE

Section 122(c) of Pub. L. 97-60 provided that: “The amendments made by this section [enacting this section and amending section 411 of this title] shall take effect on April 1, 1982.”

PROHIBITION ON PAYMENT OF TEMPORARY LODGING
EXPENSES; EXCEPTION

Pub. L. 99-500, §101(c) [title IX, §9097], Oct. 18, 1986, 100 Stat. 1783-82, 1783-117, and Pub. L. 99-591, §101(c) [title IX, §9097], Oct. 30, 1986, 100 Stat. 3341-82, 3341-117, provided that none of the funds appropriated by the Department of Defense Appropriations Act, 1987, Pub. L. 99-500, §101(c), and Pub. L. 99-591, §101(c), were to be available to pay temporary lodging expenses pursuant to subsec. (a) of this section, except that during fiscal year 1987, this provision was not to apply to those military personnel with dependents in grades E-4 and below.

**§ 404b. Travel and transportation allowances:
payment of lodging expenses at temporary
duty location during authorized absence of
member**

(a) **PAYMENT OR REIMBURSEMENT AUTHORIZED.**—The Secretary concerned may pay or reimburse a member of the armed forces assigned to temporary duty as described in subsection (b) for lodging expenses incurred by the member at the temporary duty location during an authorized absence of the member from the temporary duty location.

(b) **COVERED MEMBERS.**—Subsection (a) applies with respect to a member assigned to temporary duty, for a period of more than 30 days, in support of a contingency operation or in other specific situations designated by the Secretary concerned if the member—

(1) immediately before the authorized absence, was performing the temporary duty at a location away from the home or permanent duty station of the member;

(2) was receiving a per diem allowance under section 404(a)(4) of this title to cover lodging